THE HONOURABLE SRI JUSTICE V.ESWARAIAH

W.P. No. 21486 of 2007

Date:11-10-2007

Between:

Bhumireddy Vasundara and (12) others

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Petitioners

AND

The Govt. of A.P. rep. By its District Collector, Kadapa and four others

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Respondents

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ORDER:

The petitioners seek a writ of mandamus to declare the proceedings in Ref.B/21/2007, dated 09.07.2007 issued by the third respondent, as illegal and arbitrary.

It is the case of the petitioners that they are originally residents of Basavapuram village, B.Mattam mandal, Kadapa District and due to the submergence of their lands in Brahma Sagar Project in the year 1991, they have shifted their residences to Kotha Basavapuram village which is nearer to Gundapuram village. Though the petitioners are residents of Kotha Basavapuram village, on their application, the lands at Kondapuram have been assigned in their favour vide DKT proceedings in March, 1999. While so, when the respondents 4 and 5 started interfering without any justification whatsoever, the petitioners have filed a suit in O.S.No.174 of 2007 and obtained interim injunction in I.A.No.381 of 2007 on the file of the Junior Civil Judge, Badvel. Having suffered an injunction order, the respondents 4 and 5 made a representation before the Revenue Divisional Officer and at the instance of the respondents
4 and 5, the third respondent passed the impugned orders, dated 09.07.2007 resuming the said lands on the ground that the petitioners have violated the conditions of the DKT proceedings.

The learned counsel appearing for the petitioners submits that none of the petitioners have violated any of the terms and conditions of the assignment orders and they are very well residing at Kotha Basavaspuram village and in utter violation of the principles of natural justice, the third respondent passed the impugned orders.

Admittedly, against the impugned orders passed by the third respondent, an appeal lies to the Revenue Divisional Officer, Rajampet.

Having regard to the facts of the case, the writ petition is disposed of permitting the petitioners to file an appeal against the impugned orders passed by the third respondent in Ref.B/21/2007, dated 09.07.2007 within two weeks from the date of receipt of a copy of this order and on filing such appeal, the petitioners shall not be dispossessed from their lands which are the subject matter of the said impugned order of the third respondent. On filing such appeal by the petitioners, the appellate authority may consider and dispose of the same in accordance with law. No costs.

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V.ESWARAIAH, J.

Date:11.10.2007
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